

REMARKS

This is a full and timely response to the Official Action mailed November 17, 2006. Reexamination and reconsideration of the rejections set forth therein in light of the following remarks are courteously requested.

Claims 72-76 have been added for consideration by the Patent and Trademark Office. They find basis in the Specification in original claims 1-10, p. 22, l. 25, p. 25, l. 27, p. 5, l. 34 through p. 6, l. 13 and p. 13, l. 20-25. Applicants respectfully request consideration of new claims 72-76. Claim 70 has been amended to change its dependency to claim 68.

The Office Action of November 17, 2006 rejected Claims 64-71 under 35 U.S.C. 112, first paragraph, on the following basis:

Claims 64-71 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that *the inventor(s), at the time the application was filed, had possession of the claimed invention...*

...even though Applicant has overcome the rejection based on scope, the written rejection still remains because as stated in the office action of record, the specification does show that Applicant is in possession of a wide variety of synthetic retinoid known to man and yet to be made for example.

In order to overcome this rejection Applicant is advised to replace the broad generic terms used in the claims with more specific compounds of the claim invention.

Example in place of synthetic retinoids, Applicant may want to replace it with tretinoin, and non-denatured soybean extract with soymilk. [Office Action, p. 3] (emphasis added)

Applicants respectfully request reconsideration of this rejection for at least the following reasons.

Applicants respectfully submit that Claims 64-71 are clear and comply with the written description requirement as set forth in the statute, as follows:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention. [35 U.S.C. §112, first paragraph]

Nowhere in Section 112 of the patent statute is there a requirement that the claims contain subject matter which was described in the specification "in such a way as to reasonably

convey to one skilled in the relevant art that *the inventor(s), at the time the application was filed, had possession of the claimed invention...*" [Office Action, p. 3, emphasis added] Applicants respectfully submit that such a requirement is not present in the statute and, therefore, the rejection is not properly applied.

Notwithstanding the foregoing, Applicants respectfully point out that the claims meet the requirements set forth in the first paragraph of Section 112: there is ample written support for the terms "retinoic acid" [See, e.g., p. 22, l. 25], "retinol" [See, e.g., p. 25, l. 27], "nondenatured soybean extract" [See, e.g., p. 5, l. 34 through p. 6, l. 13 and p. 13, l. 10-25]. The Specification clearly sets forth sufficient information to provide a means for one of ordinary skill in the art to practice the compositions and methods described in the claims. In view of the foregoing, applicants respectfully request reconsideration of the rejection under 35 U.S.C. §112, first paragraph.

For the foregoing reasons, applicants respectfully submit that the above-captioned application is now in condition for allowance. Accordingly, favorable reconsideration of the above remarks and an early Notice of Allowance are courteously solicited. If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned Attorney at the below-listed number.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 10-0750.

Respectfully submitted,

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